



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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July 10, 2014

Katrina I. Gulstad
Unemployment Law Judge
Minnesota Department of Employment and
Economic Development
332 Minnesota St Ste E200
Saint Paul, MN 55101

**Re: *In the Matter of the Proposed Rules of the DEED Relating to
Unemployment Insurance; Modifying Appeals, Employer Records,
and Workers Status Provisions***
OAH 80-1200-31264
Revisor R-4207

Dear Ms. Gulstad:

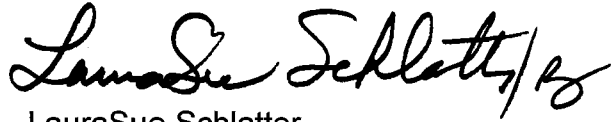
Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF RULES DEEMED SUBSTANTIALLY DIFFERENT UNDER MINN. STAT. § 14.26 AND MINN. R. 1400.2110** in the above-entitled matter. On July 1, 2014, the Office of Administrative Hearings received for review the submissions of the Minnesota Department of Employment and Economic Development as modified pursuant to the May 5, 2014, Report of Administrative Law Judge LauraSue Schlatter. The rules, Revisor's Draft R-4207, are approved as to legality. The Office of Administrative Hearings has closed this file and is returning the rule record to the Department so that the Department can maintain the official rulemaking record in this matter. If the Minnesota Department of Employment and Economic Development has not already done so, please ensure that a signed order adopting the rules is filed with the Office of Administrative Hearings. The Office of Administrative Hearings will request copies of the finalized rules from the Revisor's office following receipt of that order. The Office of Administrative Hearings will file four copies of the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Department for its rulemaking record.

The Department's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the *State Register* for publication. A permanent rule without a hearing does not become effective until five working days after Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

Katrina I. Gulstad
July 10, 2014
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If you have any questions regarding this matter, please contact Denise Collins at 651-361-7875.

Sincerely,

A handwritten signature in black ink that reads "Laura Sue Schlatter" followed by a stylized flourish or initials.

LauraSue Schlatter
Administrative Law Judge

Enclosure

cc: Governor's Office
Legislative Coordinating Commission (lcc@lcc.leg.mn)
Attorney General Lori Swanson
Paul Marinac (paul.marinac@revisor.mn.gov)
Representative Michael V. Nelson
Senator Sandra L. Pappas

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Amendment
to and Repeal of Rules of the Minnesota
Department of Employment and Economic
Development Relating to Unemployment
Insurance; Modifying Appeals, Employer
Records, and Worker Status Provisions;
Minnesota Rules parts 3310 and 3315

**ORDER ON REVIEW OF RULES
DEEMED SUBSTANTIALLY DIFFERENT
UNDER MINN. STAT. § 14.26 AND
MINN. R. 1400.2110**

The Department of Employment and Economic Development (Department) sought review and approval of the above-entitled rules, which were adopted by the Department without a hearing. Review and approval is governed by Minn. Stat. § 14.26.

On April 21, 2014, the Office of Administrative Hearings received the documents required by Minn. Stat. § 14.26 and Minn. R. 1400.2310. By Order dated May 5, 2014, Administrative Law Judge LauraSue Schlatter determined that the proposed rules included defects and that correcting the defect in proposed rule Minn. R. 3310.2917, subp. 1, would require the Department to adopt a substantially different rule as defined by Minn. Stat. § 14.05, subd. 2. By Order dated May 12, 2014, the Chief Administrative Law Judge concurred in these conclusions.

On July 1, 2014, the Department submitted revisions of the proposed rules for review. Based upon the submissions and rulemaking record,

IT IS HEREBY ORDERED:

1. The Department has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with all procedural requirements of Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400.
3. The Department has followed the procedures in Minn. R. 1400.2110 for adopting rules that are substantially different than those originally proposed.

4. Rule parts 3310.2914, subpart 2; 3310.2915; 3310.2916; and 3310.2917, subpart 1 are **APPROVED**. All other parts of the rule were approved for legality under the terms of the May 5, 2014, Order.

Dated: July 9, 2014

A handwritten signature in black ink, appearing to be 'TP', is written over a solid horizontal line.

TAMMY L. PUST
Chief Administrative Law Judge

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Rules of the DEED Relating to Unemployment Insurance; Modifying Appeals, Employer Records, and Workers Status Provisions	OAH Docket No. 80-1200-31264
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Rachel Youness, certifies that on July 10, 2014, she served a true and correct copy of the attached **ORDER ON REVIEW OF RULES DEEMED SUBSTANTIALLY DIFFERENT UNDER MINN. STAT. § 14.26 AND MINN. R. 1400.2110**; by placing it in the United States mail or by courier service with postage prepaid, addressed to the following individuals:

Katrina I. Gulstad Unemployment Law Judge Minnesota Department of Employment and Economic Development 332 Minnesota St Ste E200 Saint Paul, MN 55101	
Legislative Coordinating Commission (lcc@lcc.leg.mn)	The Honorable Lori Swanson Minnesota Attorney General 102 Capitol Building 75 Rev. Dr. Martin Luther King Jr. Blvd St. Paul, MN 55155
Paul Marinac Office of the Revisor of Statutes paul.marinac@revisor.mn.gov	Amy Hang Governors Office 130 State Capitol 75 Constitution St Paul, MN 55155
Representative Michael V. Nelson Chair Committee on Government Operations 565 State Office Building 100 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, MN 55155	Senator Sandra L. Pappas Chair State and Local Government Committee 120 State Capitol 75 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, MN 55155-1606